



City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
December 8, 2004

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Mayor David Dermer
 Vice-Mayor Simon Cruz
 Commissioner Matti Herrera Bower
 Commissioner Luis R. Garcia, Jr.
 Commissioner Saul Gross
 Commissioner Jose Smith
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Murray H. Dubbin
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

PA1 **3:00 p.m.** Presentation of Family Pool Passes to the Winners of "Name the Mascot Contest."
 PA2 Certificates of Appreciation, Miami-Dade County Commissioners: Bruno Barreiro & Sally Heyman.
 PA3 Certificates of Appreciation, Employee of the Month "At Your Service Award" Winners.
 PA4 **New Item:** Certificate of Appreciation, 4 Points by Sheraton CMB "Best in Brand Award." (Dermer)
 PA5 **New Item:** Proclamation/Miami Beach Hispanic Community Center. (Bower)

C2A Award Contract, Spanish Language Translation & Subtitling Services, \$100,000 for FY 2004/05.
 C2B BA 44-03/04, Installation of Back-Up Air Conditioning Units at IT Department, \$142,000.

C4A Ref: Planning Board - Request from the Collins Park Neighborhood Association. (Smith)
 C4B Ref: Finance & Citywide Projects & Land Use & Dev. Committee - Discussion re: AED's. (Smith)
 C4C Ref: Finance & Citywide Projects Comm. - Economic Impact of Jackie Gleason Theater. (Dermer)
 C4D Ref: Finance & Citywide Projects Committee - Miami City Ballet Ground Lease.

C6A Report: Neighborhood/Community Affairs Committee Meeting of November 3, 2004.
 C6B Report: Joint Land Use & Dev./Fin. & Citywide Projects Committee Meeting of November 8, 2004.
 C6C Report: Finance & Citywide Projects Committee Meeting of November 23, 2004.

C7A Appropriate Funds, Time Extension Costs on the 42nd Street Parking Garage.
 C7B Appointment of Chief Special Master.
 C7C Set 1st Public Hearing, Consider Proposed Development Agreement for "5th & Alton" Project.
 C7D Support Condominium Workers' Rights with Labor Organizations. (Bower)
 C7E Amend 1-Year Action Plan for Federal Funds, Expansion of MB Community Health Center.
 C7F Set Public Hearing, Consider Amending Temporary & Provisional Parking Lots Standards.
 C7G Request that the DCA Review the Evaluation & Appraisal Report to SFRPC.
 C7H Approve Appropriation of PTP Funds, Milling & Resurfacing of Harding Avenue.

C7I Execute Supplemental JPA w/ FDOT, for the Local Shuttle Service.

C7J Execute Home Program Agreement w/ MBCDC, Acquisition of Villa Maria Apartments.

C7K Appropriate Resort Tax Funds in Support of 2004-05 New Year's Celebration.

REGULAR AGENDA

R5A **10:15 a.m. 2nd Rdg**, Amend Name of "Florida Sister Cities Program." (Dermer)

R5B **10:17 a.m. 2nd Rdg**, Temporary Parking Lots in the MXE "Mixed Use Entertainment District." **5/7**

R5C **11:00 a.m. 2nd Rdg**, Restrictions on Locations where Panhandling is Prohibited. (Steinberg)

R5D **5:05 p.m. 2nd Rdg**, Single Family Demolition Procedures. **5/7**

R5E **5:06 p.m. 2nd Rdg**, Single Family Ad Valorem Tax Exemption. **5/7**

R5F **1st Rdg**, Design Review Board Appeal Procedures. **5/7**

R5G **11:05 a.m. 1st Rdg**, Amend No. 789, Classified Employees' Salary Ordinance.

R5H **1st Rdg**, Amend No. 1335, Classified Employees' Leave Ordinance.

R5I **1st Rdg**, Amend No. 1613, Unclassified Employees' Leave Ordinance.

R7A **9:00 a.m.** Accept Recommendation of HPB, Demolish Existing Buildings in Washington Park.

R7B **10:20 a.m.** Grant Certificate of Appropriateness, Demolish Structures at 7601/7611 Collins Ave.

R7C **10:25 a.m.** Grant Certificate of Appropriateness, Demolish Restroom at 1401 Ocean Drive.

R7D **10:30 a.m.** Hear Public Comment, Miami Police Federal Credit Union Lease of Property. **5/7**

R7E **10:45 a.m.** Execute Lease Agreement w/ Hazen & Sawyer for 1701 Meridian Avenue.

R7F **5:00 p.m.** Approve Development Agmt w/ the New World Symphony, Surface Parking Lot.

R7G **11:05 a.m.** Approve Labor Agreement w/ AFSCME, for Period of May 1, 2004 to April 30, 2007.

R7H **11:15 a.m.** Approve City's State Legislative Agenda for 2005 Session.

R7I Accept Recommendation, Selection of Parking Companies/Operators.

R7J Accept Settlement Payments, Citywide Water & Wastewater Pump Station Upgrades Project.

R7K Receive City Attorney's Annual Report.

R7L **10:00 a.m.** Approve Agmt w/ GMCVB for (5) Year Term (Oct. 1, 2004 to Sept. 30, 2009).

R7M **11:30 a.m.** Accept Recomm., Collection/Disposal of Residential Solid Waste/Yard Trash, etc. **5/7**

R9A Board and Committee Appointments.

R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.

R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.

R9C Nightlife Industry Task Force - Extension of Hours for New Year's Eve 2004.

R9D Disc. City's Youth Centers Hours of Operation. (Bower)

R9E Disc. Boardwalk Safety. (Smith)

R9F Disc. Illegal Waste Dumping. (Steinberg)

R9G Disc. Term Limits of Current VCA Board. (Garcia)

R9H Disc. Minimizing the Construction Impacts of 63rd Street Flyover. (Steinberg)

R9I Disc. North Shore Park & Youth Center Advisory Board. (Bower)

R9J Disc. Potential Safety Hazard on Alton Road. (Garcia)

R10A **Noon Break**, Notice of Closed Executive Session: Micky Biss & USA Express, Inc. v. CMB.

A City Attorney's Status Report.

B Parking Status Report.

C Status Report on Fire Station No. 2.

D Status Report on Fire Station No. 4.

E Informational Report on Federal, State, County, U.S. Communities & All Existing City Contracts.

F1 Minutes from PACT Board Meeting of September 14, 2004. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for October 2004.

3A Approve Settlement for Early Termination of Lease Agreement w/ Adolfo Dominguez USA, Inc.

3B Status Report on Closing Documents w/ CMB, RDA & RDP Royal Palm Hotel.

Meeting called to order at 9:25:55 a.m.

Invocation given by Robert Parcher, City Clerk.

Pledge of Allegiance led by Chief De Lucca.

Times based on the digital recording in the City Clerk's Office

Addendum item: C6D

ACTION: Motion made by Commissioner Steinberg to add Addendum item C6D as emergency items to the Commission Agenda; seconded by Vice-Mayor Cruz. Motion was approved without objection.

Addendum item: Mr. Gerald Schwartz, Chairman of the Miami Beach Transportation Management Association (MBTMA), requested to add to the Commission Agenda, as an emergency item, a request to authorize the Administration to purchase six low emission buses. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Item added as R9K.

Supplemental Materials:

C7C (Resolution), R7F (Resolution and Agreement), and R7G (Agreement).

PA - Presentations and Awards

4:03:56 p.m.

PA1 Presentation Of Family Pool Passes, To The Winners Of The Parks And Recreation Department's "Name The Mascot Contest."

(Parks & Recreation)

ACTION: Presentation made. The name chosen for the mascot is "Buddy."

Kevin Smith, Parks and Recreation Director, spoke.

Mayor Dermer officially presented the pool passes.

Kevin Smith, Parks and Recreation Director, stated that "Buddy" was created from suggestions from the kids and also Parks Department's staff.

9:27:40 a.m.

- PA2 Certificates Of Appreciation To Be Presented To Miami-Dade County Commissioners Sally Heyman And Bruno Barreiro For Their Efforts In Partnering With The City Of Miami Beach On The 2004 Building Better Communities G.O. Bond Program.
(City Manager's Office)

ACTION: Certificates presented.

Mayor Dermer thanked Commissioners Barreiro and Heyman for a great job done for the community regarding their efforts on the County G.O. Bond and especially to Miami-Dade County Commissioner Heyman on her involvement in the Miami Tropical Marathon that will take place on January 30, 2005 along Ocean Drive.

Commissioner Garcia recognized Commissioner Heyman and he also recognized not only Commissioner Barreiro but the entire Barreiro family for the program they have every year distributing toys to kids. The toy distribution will take place Saturday, December 11, 2004.

Mayor Dermer congratulated Gus Barreiro on his recent appointment to Chair of the Criminal Justice Appropriations Committee.

Jorge Gonzalez, City Manager, explained that Commissioners Bruno Barreiro and Sally Heyman were instrumental on the passing of the ballot questions and the City of Miami Beach will receive over \$100 million dollars and in addition, money for the Convention Center which could result in over \$150 million total. There will be a lot of capital improvement that will benefit the community due to their efforts.

Miami-Dade County Commissioner Heyman thanked everyone and stated that she represents thirteen cities but the pleasure of representing Miami Beach is a special one and a privilege.

Miami-Dade County Commissioner Bruno Barreiro shared Commissioner Heyman's sentiment and stated that it is a pleasure working with this City Commission.

9:38:38 a.m.

- PA3 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of October, November And December 2004.

ACTION: Certificates presented.
October, 2004 - Dominique Diambois, Fire Department
November, 2004 - Peter Nyamora, Human Resources

Jorge Gonzalez, City Manager, stated that the City continues to recognize employees on a monthly basis for good customer service. He explained that this award recognizes employees that go above and beyond the call of duty and are example to the rest of the City. He explained that they are selected by their peers, the previous winners. He stated that unfortunately Chief Jordan is out of town and cannot recognize Dominique Diambois. He read what Chief Jordan wrote about Dominique.

Dominique Diambois stated that it is a pleasure for her to be recognized, she loves working for the City of Miami Beach, and looks forward to a long partnership with the City.

Mayra Buttacavoli, Human Resource Director, stated that Peter Nyamora works in the Recruitment

Division and is very involved in the career fairs, promotions and hiring. She stated that they are very pleased to have Peter in Human Resources and they depend on him on a daily basis.

Ms. Buttacavoli also stated that they are happy to see Dominique recognized, since she started her employment with the City in Human Resources.

Peter Nyamora thanked everyone for this recognition and said that he could not have done it without the support of the staff of the Human Resources Department and all the employees of the City.

9:35:08 a.m.

PA4 Certificate Of Appreciation To Be Presented To Four Points By Sheraton Miami Beach.
(Mayor Dermer)

ACTION: Certificate presented. Accepting the Certificate are: Mr. Sharon Tzalik, Director of Operations for the Charles Group Hotels, and Mr. Armando Valdes, General Manager, Four Point by Sheraton.

Mayor Dermer explained that Four Points by Sheraton Hotel was awarded the prestigious Best in Brand Award for the second quarter of 2004. This award is given to the hotel with the highest guest satisfaction index.

Sharon Tzalik, Director of Operations, explained that there is a survey given to all the customers that stay at the hotel and they respond to the survey, the highest score within the brand gets the award. Four Points by Sheraton achieved the highest score of satisfaction index.

Armando Valdes, General Manager of Four by Points Sheraton, stated that he owes this award to his staff and great crew.

9:44:28 a.m.

PA5 Proclamation To Be Presented To the Miami Beach Hispanic Community Center's Senior Program.
(Commissioner Bower)

ACTION: Proclamation presented.

Mayor Dermer recognized Victor Diaz and stated that he has done an outstanding job in many areas for the City and has been absolutely superb in giving back to the community.

Commissioner Bower stated that this award is for the Miami Beach Hispanic Community Center Senior Program. She thanked Victor and announced that there is a Senior Center that works for the community. The Miami Beach Hispanic Community Center's Senior Program has been in place for seven years and added that she is very proud and thankful for it.

Commissioner Garcia stated that he was at the Sixth Street building and was very, very impressed; however, the building is falling into a state of decay and the City needs to do something.

Victor Diaz wished Commissioner Garcia a Happy Birthday. He stated that he is not responsible for the Senior Program but he is part of it. He stated that the Senior Program provides employment opportunity for seniors in the community and places them with governmental agencies and not-for-profit agencies throughout Miami-Dade County. The Senior Program provides employment to seniors free of cost to the agencies. The seniors get valuable job training experience and hopefully are ultimately placed in the agency. In exchange, agencies such as the City of Miami Beach, Miami-

Dade County, Miami Beach Community Development Corporation, North Beach Development Corporation, Miami Design Preservation League and many others end up getting valuable assistance at no cost to them. He recognized some of the participants in the program; he introduced the executive staff from the Center and invited the City Commission to attend two Christmas parties; one on December 16, from 12:00 p.m. to 2:00 p.m. at the 21 Street Recreation Center, and on Saturday, December 18, from 10:00 a.m. to 1:00 p.m. for the gift distribution to 1,000 children at the Coral Rock House.

Commissioner Bower urged everyone to donate money for the toy drive.

Commissioner Garcia suggested that the ten individuals on the dais pledge to give \$100 each for a total of \$1,000 to the toy drive.

Victor Diaz thanked the Commission and stated that everything the Center does today would not be possible first without Miami-Dade County Commissioner Bruno Barreiro. The Center was founded 11 years ago with a \$50,000 grant from Commissioner Barreiro. If it was not for the early support of Miami-Dade County Commissioner Barreiro, this Center would not exist. He stated that the City of Miami Beach is an integral part of the Center and receives support from the City Commission and this also is true of the City Manager.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Cruz to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Award A Contract To TM Systems, LLC., As The Sole Source Provider For Spanish Language Translation And Subtitling Services At An Estimated Cost Of \$100,000 For FY 2004/2005.

(City Clerk's Office)

ACTION: Award authorized. Robert Parcher to handle.

- C2B Request For Approval To Award A Contract To F.X.P. Corporation, Pursuant To Invitation To Bid No. 44-03/04, For The Installation Of Back-Up Air Conditioning Units, And The Replacement Of Existing Units, At The Public Safety Communications Unit And Information Technology Department In The Amount Of \$142,000.

(Public Works)

ACTION: Award authorized. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Planning Board - Request From The Collins Park Neighborhood Association.
(Requested by Commissioner Jose Smith)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

- C4B Referral To The Finance And Citywide Projects And The Land Use And Development Committees - Discussion Regarding Automated External Defibrillators (AED's).
(Requested by Commissioner Jose Smith)

ACTION: Referred. Patricia Walker and Jorge Gomez to coordinate a joint meeting. Chief Jordan and Cliff Leonard to handle.

- C4C Referral To The Finance And Citywide Projects Committee To Analyze Future Uses And Economic Impact Of The Jackie Gleason Theater.
(Requested by Mayor David Dermer)

ACTION: Referred. Patricia Walker to place on the committee agenda. Christina Cuervo and Doug Tober to handle.

- C4D Referral To The Finance And Citywide Projects Committee Regarding The Miami City Ballet Ground Lease And Request To Consent To Leasehold Mortgage.
(City Manager's Office)

ACTION: Referred. Patricia Walker to place on the committee agenda. Christina Cuervo to handle.

C6 - Commission Committee Reports

- C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of November 3, 2004: **1)** Discussion Regarding An Ordinance Revising The Regulation And Administration Of Newspaper Racks; **2)** Discussion Regarding An Ordinance Proposing Limits On Live-A-Boards And Houseboats; **3)** Discussion Regarding An Ordinance Regulating Swales; **4)** Discussion Regarding Special Event Guidelines Revisions; **5)** Discussion Regarding A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) To Manage And Operate The Log Cabin Training Facility; And **6)** Discussion Regarding A Resolution Regarding Condominium Worker's Rights To Form, Join Or Assist Labor Organizations Without Interference By Their Employers.

ACTION:

Item No. 1:

The Committee approved the recommendations and moved to bring the item to the full City Commission. **Robert Middaugh to handle.**

Item No. 2:

The Committee moved to bring this item back for further discussion with the Marine Authority. **Vivian Guzman to place on the committee agenda. Vivian Guzman and Janice Pye to coordinate a meeting.**

Item No. 3:

The Committee moved to approve the language as amended and directed the Administration to circulate this item to the neighborhoods for public comment prior to bringing the final language to the full City Commission. **Robert Middaugh to handle.**

Item No. 4:

The Committee moved to approve the guidelines as amended and to return with the rewrite incorporating changes made during the meeting to a future Neighborhood/Community Affairs

Committee meeting. **Christina Cuervo and Max Sklar to handle. Vivian Guzman to place item on a future agenda.**

Item No. 5:

The Committee moved to proceed with the issuance of the Request for Proposals (RFP) and to include in the evaluation criteria a bonus for those willing to absorb the current staff at the site. Gus Lopez to issue the RFP. **Vivian Guzman to handle.**

Item No. 6:

The Committee moved to take this item, after some language revision, to the full City Commission (Consent Agenda) as an expression of policy. **See Item C7C.**

C6B Report Of The Joint Land Use And Development Committee/Finance & Citywide Projects Committee Meeting Of Monday, November 8, 2004: **1)** Discussion Regarding Single Family Residential Review Board Amendments; **2)** Discussion Regarding Single Family Ad Valorem Tax Exemption; And **3)** Discussion Regarding La Gorce Golf Course And The Conveyance Of Easement To The Adjoining Single Family Property Owners.

ACTION:

Item No. 1: The Joint Committee endorsed both Ordinances, with no changes to the Tax Abatement Ordinance and the following modifications to the Single Family Demolition Procedures Ordinance:

1. The criteria for making a determination of architectural significance was slightly modified, in order to ensure that buildings are not determined to be architecturally significant if alterations are only reversible in an unreasonable manner.
2. The appeal process for neighboring property owners has been modified by requiring that a subject single family home be posted at the time a request for a determination of architectural significance is made. This will put neighboring property owners on notice that the review process for a home has begun, which may potentially result in the demolition of the structure. A property owner within 375' of the subject property would then have 10 days from the rendering of a decision of the Planning Department to appeal such decision; a mail notice requirement was also added.
3. The distinction between homes that are below and above minimum flood plain elevation has been eliminated; the rationale behind this change was that virtually all homes constructed prior to 1942 are below minimum flood plain elevation and very few are above it. Additionally, the review process for architecturally significant single family homes that are proposed to be demolished has been transferred from the Single Family Residential Review Board (SFRRB) to the Design Review Board (DRB). The reason for this change was to simplify and streamline the review process and the DRB is the most logical Board for such review since they will be reviewing new construction on the site and the single family structures are not part of an historic district.
4. The criteria for partial demolition that can be approved at the administrative level will be expanded to be consistent with criteria already in place within the Design Review and Historic Preservation sections of the City Code.
5. The criteria for the DRB review of a demolition was moved to a different section of the Ordinance.
6. The incentives proposed in the subject ordinance are proposed to be extended to all historic single family homes in the City.
7. All appeals of the DRB under these regulations will go to a Special Master.

The proposal for limiting the lot coverage of new homes on a lot where an Architecturally Significant structure previously existed was discussed extensively. The Committees directed the administration to review recently approved single family homes to see how different size lots would be impacted by reductions in lot coverage. Some members of the Committee had suggested that the lot coverage

requirement revert back to 35% and others suggested that it be reduced further to 25% or lower. The 30% figure appears to represent a reasonable compromise and the Administration is confident that is generally representative of the historic, built context. A modification has been made, however, with regard to one-story structures. Given the fact that a one-story structure is going to have far less of an impact on the established context of a single family neighborhood, the Administration is proposing that one-story new construction be permitted to have a lot coverage of 35%. **See Item R5D and R5E.**

Item No. 2:

See action on Item No. 1.

Item No. 3:

The Committee heard a presentation from representatives from the La Gorce Country Club as well as from several property owners adjacent to the golf course regarding the granting of an easement from the golf course to the owners. After discussing the issue, the Committee asked the presenters to return with additional information including surveys of existing encroachments and site plans of proposed additions that would be affected by the proposed easement.

C6C Report Of The Finance And Citywide Projects Committee Meeting Of November 23, 2004: **1)** Discussion On The Professional Services Agreement For Federal Legislative Services; **2)** Discussion Regarding The RDP Royal Palm Hotel; **3)** Discussion Regarding The Greater Miami Convention And Visitors Bureau (GMCVB) Contract Negotiations; And **4)** Discussion Regarding The Donation Of Leave To A Deceased Employee's Dependent Beneficiary.

ACTION:

Item No. 1:

The Committee moved the item to the full Commission, recommending that the City:

1. Waive the competitive bidding process for the Professional Services Agreement for Federal Legislative Services; and
2. Authorize the Administration to negotiate a new agreement with the firm of Jorden, Burt, Berenson, and Johnson LLP (JBBJ). **Kevin Crowder to handle.**

Item No. 2:

Item Deferred.

Item No. 3:

The Committee moved the item to the full Commission and directed the Administration to meet with the GMCVB in order to tie the contract remuneration to the GMCVB's performance. **See Item R7L.**

Item No. 4:

The Committee moved the item to the full Commission. **See item R5H and R5I.**

9:57:06 a.m.**Addendum:**

C6D Report Of The Land Use And Development Committee Meeting Of December 6, 2004: **1)** Discussion Regarding La Gorce Golf Course And The Conveyance Of Easement To The Adjoining Single Family Property Owners. **New Item** The following item was added to the agenda at the request of Jeffery Bercow: The Commission is considering an ordinance creating a City Tax Abatement Process for Single Family Homes Designated Individually or as part of a Historic District.

ACTION:

1) The Land Use and Development Committee approved a motion for the City Commission to refer to the Planning Board amendments to the Land Development Regulations to permit the following for properties abutting the La Gorce Golf Course:

1. All structures presently existing on properties abutting the golf course would become legal nonconforming as to setbacks.
2. The setback on properties abutting the golf course is amended as follows:
 - a. For pools, decks, awnings and canopies, the setback becomes 0 feet.
 - b. For all other structures, the setback becomes 10 feet.
3. Awnings, canopies and decks may encroach into easement areas conveyed by the golf course to the abutting property owner subject to certain setbacks to be determined.
4. Variances to #2 above are allowed under the Code.
5. This applies to private golf courses existing as of the date of the ordinance.

By adding this item as an emergency item and approving via the Consent Agenda, these issues above are referred to the Planning Board. Jorge Gomez to place on the agenda and to handle.

New Item: Section 118-604: Notwithstanding the foregoing, the owner of any individually designated historic property where construction or demolition has commenced (but not concluded) prior to the effective date of this ordinance may file an application for an ad valorem tax exemption under this section. See Item R5E.

C7 - Resolutions**10:36:49 a.m.**

C7A A Resolution Appropriating Funds, In The Amount Of \$160,000, For A Change Order To Tarafa Construction, Inc., For Additional General Conditions And Time Extension Costs On The 42nd Street Parking Garage, And Approving Final Closeout Of The Project And Completion Of The Final Certificate Of Occupancy For The Building.
(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Smith. Item referred. Motion made by Commissioner Smith to defer this item and to refer it to the Finance and Citywide Projects Committee for further discussion; seconded by Commissioner Steinberg; Ballot vote: 4-3; Opposed: Vice-Mayor Cruz and Commissioners Bower and Garcia. Patricia Walker to place on the committee agenda. Tim Hemstreet to handle.

Commissioner Smith expressed his concern regarding the length of time to construct the garage and

the contractor who has engaged in a comedy of errors. He did not understand why the contractor was requesting an additional \$160,000.

Tim Hemstreet, Capital Improvement Projects Director, gave a status of the project.

Commissioner Smith requested to defer the item and refer to the Finance and Citywide Projects Committee for review.

Commissioner Garcia stated that he is concerned that delaying this award will lead to litigation which could cost the City additional money. On the recommendation of the City Manager the money should be approved.

Jorge Gonzalez, City Manager, stated that this is one of the projects inherited by the CIP Office. The CIP Office has done their due diligence and this expenditure represents work the contractor needed to do. From a contractual perspective the City should pay Tarafa Construction, Inc., for the services.

Vice-Mayor Cruz stated that this has been around for a long time. The Administration has been reviewing and negotiating a final cost figure and it should be finalized.

Commissioner Steinberg stated that he will vote for the defer and referral out of respect for his colleagues.

Handout or Reference Materials

1. Ballot

C7B Appointment Of Chief Special Master.

1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing January 1, 2005, And Ending June 30, 2005, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98- 22777 Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2004-25749 adopted. Robert Parcher to handle.

2. A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing January 1, 2005, And Ending June 30, 2005, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerk's Office)

ACTION: Resolution No. 2004-25750 adopted. Robert Parcher to handle.

Supplemental Materials (Resolution):

- C7C A Resolution Setting The First Public Hearing, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act, On Wednesday, January 12, 2005, To Consider Approving, On First Reading, A Proposed Development Agreement Between The City Of Miami Beach And AR&J SOBE, Llc (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton," Containing Approximately 179,000 Square Feet Of Retail Area And A Supermarket; An Approximate 1070 Space Parking Garage; Park-And-Ride Transit Facility, Including An Intermodal/Transportation Component, And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On East, Alton Road On West, 6th Street On North And 5th Street On The South, In Miami Beach.

(City Manager's Office)

ACTION: Resolution No. 2004-25751 adopted. Public Hearing scheduled for January 12, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

- C7D A Resolution Supporting Condominium Workers' Legally Protected Right To Form, Join, Or Assist Labor Organizations Without Fear Of Reprisals, Discrimination, Coercion, Or Interference By Their Employers.

(Labor Relations/Requested by Commissioner Matti Herrera Bower)

ACTION: Resolution No. 2004-25752 adopted.

- C7E A Resolution Amending The One Year Action Plan For Federal Funds For Fiscal Years 1999/2000, 2000/2001, 2001/2002, And 2004/2005 To Reprogram Prior Year Community Development Block Grant (CDBG) Funds, In The Amount Of \$102,862, For The Acquisition And Expansion Of The Miami Beach Community Health Center, As Described In Exhibit I Hereto; And Further Authorizing The Mayor And City Clerk To Execute The Related Agreements For The Reallocation Of The Aforementioned Funds.

(Neighborhood Services)

ACTION: Resolution No. 2004-25753 adopted. Vivian Guzman to handle.

- C7F Temporary And Provisional Parking Lots Standards
A Resolution Setting A Public Hearing To Consider An Amendment To The Code Of The City Of Miami Beach, By Amending The Land Development Regulations Of The City Code, Chapter 130 "Off-Street Parking," Article III, "Design Standards," By Amending Section 130-70 "Temporary Parking Lot Standards;" And Section 130-71 "Provisional Parking Lot Standards" By Clarifying Existing Regulations, Prohibiting Provisional Lots In The R-PS1 Through 3 Residential Performance Standards Zoning Districts, And Modifying Landscaping Standards.

(Planning Department)

ACTION: Resolution No. 2004-25754 adopted. Public Hearing scheduled for January 12, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

- C7G Evaluation And Appraisal Report Resolution
A Resolution Requesting That Florida Department Of Community Affairs (DCA) Delegate The Review Of The Evaluation And Appraisal Report (EAR) Review To The South Florida Regional Planning Council (SFRPC), Pursuant To The Provisions Of Florida Statutes Section 163.3191(8).
(Planning Department)

ACTION: Resolution No. 2004-25755 adopted. Jorge Gomez to transmit to the DCA.

10 30:25 a.m.

- C7H A Resolution Approving And Authorizing The Appropriation Of \$174,567 From The Miami Beach Share Of The County's Fiscal Year 2003-04 Peoples' Transportation Plan (PTP) Funds, For The Milling And Resurfacing Of Harding Avenue, From 72nd To 67th Streets, And Byron And Carlyle Avenues, From 72nd Street To Indian Creek Drive; And Further Authorizing The Issuance Of A Work Order Number For Project Construction.
(Public Works)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2004-25756 adopted as amended. Motion made by Commissioner Gross to do the study and if feasible, package the repaving with the implementation of the traffic reversing on Harding Avenue. The motion was amended by Commissioner Steinberg to include having the Planning Department review the suggested traffic flow to determine if there will be any economic impact on the community; seconded by Vice-Mayor Cruz; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann and Jorge Gomez to handle.

Commissioner Gross stated that he separated the item to bring to the attention of the residents that the City is repaving some of the very heavily traveled roads in North Beach which are in need of repair. In addition, the Public Works Department has been asked to study the idea of having one-way traffic on Harding Avenue, reversible, so that in the afternoon when there is heavy traffic on Indian Creek, Harding Avenue would provide an outlet to get cars up to 72nd Street and then over to Collins Avenue. If this can be done, it should be done in conjunction with the repaving project.

Jorge Gonzalez, City Manager, stated that the City is going to do the study because FDOT wanted to do a much larger study area.

Fred Beckmann, Public Works Director, stated that Harding Avenue from Indian Creek to 72nd Street is a City road. The request is to look at the possibility of making one-way north bound the section on Harding Avenue from 69th Street to 72nd Street.

Commissioner Steinberg thanked Commissioner Gross and Mike Thompson for bringing this concern to the City Commission. He stated that he does not want to lose sight of the possibility of having a negative impact from an economic standpoint. The study needs to look at not only the traffic concerns but also from an economic planning perspective. He requested the Planning Department do the review and added this request to the motion.

Handout or Reference Materials:

1. 8 ½ x 14 color map of Miami Beach depicting the citywide pavement improvements dated November 29, 2004

- C7I A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Supplemental Joint Participation Agreement No. 3 (three) Between The Florida Department Of Transportation And The City, Awarding \$50,000 In FY 2004-05 Transit Development Program Funds For The Local Shuttle Service; Appropriating Such Funds As Part Of The FY 2004-05 Shuttle Operating Budget; And Further Reducing By \$50,000 The Parking Fund Contribution To The Same Budget.

(Public Works)

ACTION: Resolution No. 2004-25747 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

10:20:19 a.m.

- C7J A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (HOME) Program Agreement With The Miami Beach Community Development Corporation (MBCDC) Providing \$595,000 Of Fiscal Year 2003/04 Home Program Set Aside Funds And \$505,000 Fiscal Year 2003/04 Home Program Income Funds For The Acquisition Of The Villa Maria Apartments, Located At 2800 Collins Avenue, Miami Beach, To Provide 34 Rental Units For Income Eligible Participants In Accordance With The Home Program Requirements.

(Neighborhood Services)

ACTION: Item separated for discussion by the Administration. Resolution No. 2004-25757 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Vivian Guzman to handle.

Roberto Datorre, President of Miami Beach Community Development Corp., spoke.

Miami-Dade County Commissioner Barreiro stated that he is supporting the item and will urge the Miami-Dade County Commission to support the item as well.

Commissioner Garcia also supports this project and asked Mr. Datorre if the vacant lots could be use to obtain revenues by providing parking to the area.

Roberto Datorre stated that this is a possibility.

Jorge Gonzalez, City Manager, explained that they do an under-utilization analysis to see if zoning will allow.

Commissioner Bower thanked the citizens in the audience and explained to them what took place in Spanish.

City Clerk's note: 12/17/2004. The Commission Memorandum indicates that residents will remain during the rehabilitation and no residents will be displaced. Clarification: In all likelihood the residents will need to be displaced for their safety.

- C7K A Resolution Authorizing The Appropriation And Expenditure Of \$45,000 From Resort Tax Funds In Support Of The 2004-2005 New Year's Celebration.
(City Manager's Office)

ACTION: Resolution No. 2004-25758 adopted. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

End of Consent Agenda
REGULAR AGENDA

R5 - Ordinances

4:23:17 p.m.

- R5A An Ordinance Amending Chapter 2 Of The City Code Entitled "Administration;" By Amending Article III Entitled "Agencies, Boards And Committees;" By Amending Division 15 Entitled "Florida Sister Cities Program" To Correct The Name To Read The "Miami Beach Sister Cities Program" Throughout Division 15; And By Amending Section 2-181(D), Entitled "Composition," By Amending The Membership Of The Sister Cities' Coordinating Council; Providing For Codification, Repealer, Severability, And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**

(Requested by Mayor David Dermer)
(First Reading on November 10, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3466 adopted – Alternate version.** Motion made by Commissioner Steinberg to adopt the alternative ordinance; seconded by Commissioner Smith; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corp. Robert Parcher to handle.

Alternate version:

The coordinating council is the governing body of the Sister Cities Program. The Council shall consist of one representative per Sister City affiliation and nine other members. All of these members are appointed by the Mayor. In the event that a person cannot be appointed for a Sister City affiliation appointment that meets the requirements of Section 2-22(4) of the City Code, then a person may be appointed that is a resident of the County and who has established ties with the Sister City.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

1:34:17 p.m.

- R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 130 "Off-Street Parking," Article III, "Design Standards," By Permitting Temporary Parking Lots In The MXE, "Mixed Use Entertainment" Zoning District That Face Collins Avenue, An Additional Time Period Of 5 Years; Clarifying Sign Regulations For Temporary Lots And Modifying The Landscape Standards; Providing For Repealer, Severability, Codification And An Effective Date. **10:17 a.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on November 10, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3467 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Vice-Mayor Cruz. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez and Saul Frances to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

4:27:06 p.m.

R5C An Ordinance Amending Ordinance Number 2003-3411 By Amending The Restrictions On The Locations Where Panhandling Is Prohibited And Providing For Repealer, Severability, And An Effective Date. **11:00 a.m. Second Reading, Public Hearing.**

(Requested by Vice-Mayor Richard L. Steinberg)

(Continued from November 10, 2004)

ACTION: Public Hearing open and continued to February 2, 2005 at 11: 00 a.m. Motion passed without objection. Lilia Cardillo to place on the Commission Agenda. Robert Middaugh and Legal Department to handle.

6:33:38 p.m.

R5D Single Family Demolition Procedures

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single-Family Residential Districts," By Revising Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Constructed Prior To 1942 And Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. **5:05 p.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3468 adopted as amended.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Mayor Dermer. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Amendments:

1. Page 172. Amend the language in Section 142-108(1)d by adding at the end of the paragraph:

"Within 10 days of posting the notice, interested persons may submit information to the planning director to take into consideration in evaluating the request. The director shall file the decision with the city clerk."

2. Page 173. Amend the language in Section 142-108(2) as follows (bold language added at second reading):

(2) Appeals. The applicant or any property owner within 375' of the subject single family home may appeal the decision of the planning director, or designee, **which shall bear the presumption of correctness,** pertaining to the architectural significance of a single family home, within 10 days of the rendering of such decision. No demolition permit may be issued within any appeal period, and if an appeal is filed, while the appeal is pending. The appeal shall be in writing, shall set forth the factual, **technical, architectural, historic** and legal bases for the appeal, and shall be to the Design Review Board (DRB).

3. Page 176. Amend the language in Section 142-108(7)a.5. as follows (bold language added at second reading):

"The above regulations shall also be ~~applicable to a~~ **limitation on development in** all lots within a single family site that may be split into multiple lots, **or multiple lots that are aggregated into a single site,** at a future date. **When lots are aggregated, the greater of the footprint permitted by the lot coverage regulations, or the footprint of the larger home, shall apply.**"

4. Page 177. Amend the language in Section 142-108(7)b.1. from “may be increased up to 40%” to “shall not exceed 35%”.

By separate motion the City Commission referred to the Planning Board consideration of:

a) Amending section 142-108(7)b.1. to provide for a sliding scale for lot coverage based on the size of the lot where an architecturally significant single family home is substantially retained and preserved.

b) Amending section 142-108(7)b.2. to provide for DRB review, instead of staff review, of renovations or additions that substantially increase the size of a single family home.

End of Amendments.

Jorge Gomez, Planning Department Director, Thomas Mooney, Preservation & Design Manager, Planning Department, and Gary Held, First Assistant City Attorney, explained the changes to the ordinance.

Victor Diaz, Chairman of the Planning Board, commended staff on the revisions to the ordinance made between first and second reading. He also addressed some of the issues raised in the discussions.

Bunny Patchen spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

7:25:02 p.m.

R5E Single Family Ad Valorem Tax Exemption

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," By Creating Division 5, "Single Family Valorem Tax Exemption," Establishing Requirements And Procedures For City Tax Abatements For Single Family Homes; Providing For Repealer, Codification, Severability And An Effective Date. **5:06 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3469 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Ballot vote: 6-0; Absent: Mayor Dermer. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Amendment:

1. Title of the Ordinance: "Family **ad** Valorem Tax....."
2. Section 118-604- add to the end of the section:
Notwithstanding the foregoing, the owner of any individually designated historic property where construction or demolition has commenced (but not ~~concluded completed~~) prior to the effective date of this ordinance may file an application for an ad valorem tax exemption under this section.

Commissioner Gross asked if the City could get the County policy in writing and asked if the City will have its own policy.

Thomas Mooney, Preservation & Design Manager, Planning Department, stated that after a single-family homeowner designates their home as a historic structure, they would submit the list of improvements to the Historic Preservation Board (HPB). Once the HPB approves, it would go to the City Commission for approval. Once approved, it will be transmitted to the Miami-Dade County (Property Appraiser) for evaluation and a determination of how much will qualify for a tax exemption. Once the work is completed, inspected and a Certificate of Occupancy is issued, the City will notify the County that the work has been completed and any abatement would go into effect.

Commissioner Gross stated that there should be information available for the public listing the inventory of items the Property Appraiser will approve. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

7:31:11 p.m.

R5F Design Review Board Appeal Procedures

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures," By Amending Section 118-262 To Amend The Requirements For Filing An Appeal To The City Commission; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Mayor Dermer. Second Reading and Public Hearing scheduled for January 12, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

The sentiment of the Commission is that anyone who wants to appeal needs to indicate, before the Commission Meeting, what they are appealing and why. In addition, the process should be simplified that anyone can appeal without needing an attorney.

Gary Held, First Assistant City Attorney, presented the item.

Victor Diaz, Chairman of the Planning Board, spoke.

12:33:17 p.m.

R5G An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, For The Group I Classifications, Being The Classifications Covered By The American Federation Of State, County And Municipal Employees (AFSCME) Local No. 1554, In Accordance With The Negotiated Agreement; Retroactively Increasing On The First Pay Period Beginning April 19, 2004, The Minimum Of The Ranges By Three Percent (3%) And The Maximum Of The Ranges By Three Percent (3%); Increasing The Salary Of Each Employee By Three Percent (3%) Effective With The First Pay Period Beginning April 19, 2004; Bargaining Unit Employees Shall Receive An Across The Board Increase Of Three Percent (3%) With The First Pay Period Beginning April 18, 2005, And A Three Percent (3%) Increase To The Minimum And Maximum Of The Ranges; And An Across The Board Increase Of Three And One Half Percent (3.5%) With The First Pay Period Beginning May 1, 2006, And A Three And One Half Percent (3.5%) Increase To The Minimum And The Maximum Of The Ranges; Providing For A Repealer, Severability, Codification, And Effective Date. **First Reading**

(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for January 12, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

City Clerk's note: See labor agreement item R7G.

4:28:18 p.m.

- R5H An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions Of Section 16 For Donation Of Annual Leave And Sick Leave; Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for January 12, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

4:29:59 p.m.

- R5I An Ordinance Amending Ordinance No. 1613, The Unclassified Employees' Leave Ordinance, By Amending The Provisions Of Section 14 For Donation Of Annual Leave And Sick Leave; Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Garcia; seconded by Commissioner Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for January 12, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Buttacavoli to handle.

R7 - Resolutions**4:55:14 p.m.**

- R7A A Resolution Following A Duly Noticed Public Hearing, Accepting The Recommendation Of The Historic Preservation Board And Granting A Certificate Of Appropriateness For The Demolition Of Certain Existing Non-Contributing Activity Buildings And Structures Including, But Not Limited To, Restrooms And Access Ramp, In Washington Park, Located At 201 Washington Avenue. **9:00 a.m. Public Hearing.**

(Public Works)

ACTION: Public Hearing held. **Resolution No. 2004-25759 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross. Fred Beckmann to handle.

Fred Beckmann, Public Works Director, spoke.

David Kelsey spoke.

Jorge Chartrand, CIP Assistant Director, spoke.

Kevin Smith, Parks and Recreation Director, spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:02:26 p.m.

- R7B A Resolution Granting A Certificate Of Appropriateness For Demolition Of The Existing Structures Located At 7601 Atlantic Way And 7611 Collins Avenue, Respectively; Both Structures Designated As Single Family Contributing Structures In The City Of Miami Beach Historic Properties Database And Located Within The Harding Townsite/Altos Del Mar Local Historic District; Said Demolition Necessary In Order To Proceed With The Development On The Same Site Of The Altos Del Mar Park Project. **10:20 a.m. Public Hearing.**
(Capital Improvement Projects)

ACTION: Public Hearing held. **Resolution No. 2004-25760 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Gross. Tim Hemstreet to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:03:53 p.m.

- R7C A Resolution Granting A Certificate Of Appropriateness For The Demolition Of An Existing Restroom Facility Located At 1401 Ocean Drive, In Order To Construct A New Restroom Facility At The Same Site. **10:25 a.m. Public Hearing.**
(Capital Improvement Projects)

ACTION: Public Hearing held. **Resolution No. 2004-25761 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Tim Hemstreet to handle.

Commissioner Bower stated that on Thanksgiving Day the bathroom was closed and on holidays they close the bathroom at 3:00 p.m. She asked what the hours of operations were on holidays. **Fred Beckmann to handle.**

There was discussion about putting a porta-potty on site for the public to use while the area is under construction. Jorge Gonzalez, City Manager, stated that the Administration will review to see if there is a need for temporary bathrooms. **Fred Beckmann and Kevin Smith to handle.**

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:47:10 p.m.

- R7D A Resolution To Hear Public Comment Regarding The Lease Between The Miami Police Federal Credit Union And The City Of Miami Beach, Of Approximately 190 Square Feet Of City-Owned Property, Located At 1100 Washington Avenue, Miami Beach, Florida, For An Initial Thirty Five (35) Month Term, Commencing On November 1, 2004, And Ending On September 30, 2007; Further Consenting To The Negotiated Terms Presented Herein, Subject To A Lease Agreement In A Form Acceptable To The City Attorney And Compliance With The Requirements Of Section 82-36 Through 82-39 Of The Miami Beach City Code; Further Waiving By 5/7ths Vote The Competitive Bidding And Appraisal Requirements. **10:30 a.m. Public Hearing.**
(City Manager's Office)

ACTION: Public Hearing held. **Resolution No. 2004-25762 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Gross; Voice vote: 7-0. Chief De Lucca to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

R7E A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement With Hazen And Sawyer For The Lease Of Approximately 2,800 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue (A/K/A 777 - 17th Street), Penthouse Suite, Miami Beach, Florida, For A Twenty-Three (23) Month Term, Commencing On November 15, 2004, And Ending On September 30, 2006; Further Waiving By 5/7ths Vote The Competitive Bidding And Appraisal Requirements Set Forth In Section 82-36 Through 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City. **10:45 a.m. Public Hearing.**

(Economic Development)

(Continued from November 10, 2004)

ACTION: Item withdrawn.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

6:05:31 p.m.

Supplemental Materials (Resolution and Agreement):

R7F A Resolution Following A Duly Noticed Public Hearing, Approving On First Reading, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," A First Addendum To The Development Agreement Between The City Of Miami Beach And The New World Symphony, Dated January 5, 2004, For The Development Of A Portion Of The Surface Parking Lot, Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West, For Construction Of An Approximately 50,000 Square Foot Educational, Performance And Internet Broadcast Facility With An Exterior Screen ("Soundspace"), And An Approximately 320-Space (+/-) Public Parking Garage Facility; Said Addendum Specifically Amending The Development Agreement, And Authorizing The Developer To Proceed With The Design And Development Of The Park Project Compromising Of: Zone 1, Comprising The Park And Drexel Avenue Between North Lincoln Lane And 17th Street, At The City's Cost And Expense, Not To Exceed \$10,000,000; Zone 2, Comprising The Jackie Gleason Theater Of The Performing Arts (TOPA) Entry Landscaping At The City's Cost And Expense, Not To Exceed \$1,150,000; And Zone 3, Comprising North Lincoln Lane Improvements, At The City's Cost And Expense, Not To Exceed \$500,000; And Further Setting The Second Public Hearing On January 12, 2005. **5:00 p.m. Public Hearing.**

(Economic Development)

ACTION: Public Hearing opened and continued to January 12, 2005 at 5:00 p.m. and the issue of *what happens if the NWS isn't able to get the money; is the City in a position where it may be forced to give money to the NWS to finish their project* is referred to the Finance and Citywide Projects Committee. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to place on the committee agenda. Christina Cuervo to handle.

Mayor Dermer stated that the City Commission's commitment to the New World Symphony (NWS) is based on the land and the parking replacement. He asked what happens if the NWS isn't able to get the money. The City has already hired the architects. Is the City in a position where the City may be forced to give money to the NWS to finish their project?

Jorge Gonzalez, City Manager, stated that the Administration will negotiate a clause that will make it clear that the City is not liable for the design costs. **Christina Cuervo to handle.**

Motion made by Commissioner Bower to open and continue the item until January 12, 2005 and refer to the Finance and Citywide Projects Committee; seconded by Commissioner Steinberg; Voice vote: 7-0.

Jorge Gonzalez, City Manager, stated that what he is going to seek is a mechanism in which the City is made whole. If for reasons of their own decision they chose not to proceed with the project, the City is protected. **Christina Cuervo to handle.**

Minette Benson spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

12:26:20 a.m.

Supplemental Materials (Agreement):

R7G A Resolution Approving A Labor Agreement Between The City And The American Federation Of State, County And Municipal Employees' Union (AFSCME), Local No. 1554, For The Period From May 1, 2004, Through April 30, 2007, And Authorizing The Mayor And City Clerk To Execute The Agreement.

(Labor Relations)

ACTION: Resolution No. 2004-25748 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Linda Gonzalez to handle.

Linda Gonzalez, Labor Relations Division Director, thanked the City Commission, the City Manager, and both sides of the negotiating team. She thanked Elizabeth Judd, AFSCME representative; from the City Team, Michael Reyes, Ronda McPherson, John Oldenburg, and John Kranick; and from ASFCME, Eddie Poggio, John Wheeler, Evette Phillips (new Vice-President), Jimmie Newton, and Prince Pearse (new President).

Jorge Gonzalez, City Manager, stated that included in the contract are the same health insurance options offered other employees in the City, which gives them the option to choose what is best for them and their families, as well as saving money for the City and the employees. Disciplinary hearings will be heard by an arbitrator instead of the Personnel Board.

Elizabeth Judd, AFSCME representative, spoke.

Jorge Gonzalez, City Manager, commended Linda Gonzalez and Michael Reyes and thanked everyone on the negotiating team.

City Clerk's note: See R5G - first reading of the ordinance to effectuate labor agreement.

1:35:41 p.m.

R7H A Resolution Approving The City's State Legislative Agenda For The 2005 Session Of The Florida Legislature.

(Economic Development)

ACTION: Resolution No. 2004-25763 adopted. Legislative Priorities amended. Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 6 0; Absent: Vice-Mayor Cruz. Kevin Crowder to transmit to the City's State Lobbyists - Gary Rutledge, Fausto Gomez and Bob Levy. Christina Cuervo to handle.

Legislative Priorities additions: (added without objection)

1. Education – Monitor class size amendment.
2. Monitor possible changes to growth management

Kevin Crowder, Economic Development Director, spoke.

1:36:43 p.m.

R7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Parking Companies/Operators Pursuant To Request For Proposals (RFP) No. 18-03/04 For The Selection Of A Parking Companies/Operators To Supply Parking Cashiers/Attendants And Supervisors; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Standard Parking Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Central Parking System; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.

(Parking Department)

ACTION: Resolution No. 2004-25764 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Vice-Mayor Cruz. Saul Frances to handle.

5:48:08 p.m.

R7J A Resolution Accepting Payment In The Amount Of \$4.9 Million From St. Paul Fire And Marine Insurance Company As Settlement For The Following Cases: Felix Equities, Inc. Vs. City Of Miami Beach, United States Fidelity & Guaranty, A Foreign Corporation, And St. Paul Fire And Marine Insurance Co.; In Re: Linc. Net. Inc., Et Al.; And City Of Miami Beach Vs. United States Fidelity & Guaranty Company For The Citywide Water And Wastewater Pump Station Upgrades Project; Appropriating The \$4.9 Million; Allocating Funds In The Amount Of \$2,124,891 To Replace Funding Previously Appropriated For A/E Fees And Contingency For The Project; Allocating \$596,692 As Additional Contingency For The Project; And Allocating The Remaining Funding In The Amount Of \$2,178,417 To The General Trust Fund For Purposes To Be Determined At A Later Date For Approval By The City Commission.

(Capital Improvement Projects)

ACTION: The Legal Department, after the Commission Meeting, split the above resolution into two resolutions. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Resolution #1: No. 2004-25765:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, accepting payment, in the amount of \$4.9 million, from St. Paul Fire and Marine Insurance Company in full and final settlement of the following cases regarding the citywide water and wastewater pump station upgrades project (The Project):

1.) Felix Equities, Inc. v. City of Miami Beach, United States Fidelity & Guaranty, and St. Paul Fire and Marine Insurance Co. Case No. 03-016109 CA 22; 2.) In Re: Linc. Net. Inc., ET AL., Case No. 02-16987 BKC RAM; and 3.) City of Miami Beach v. United States Fidelity & Guaranty, Case No. 03-19303 CA 03; Appropriating \$4.9 Million as follows: Allocating funds, in the amount of \$2,124,891, to replace funding previously appropriated for a/e fees and contingency for the project; allocating \$596,692 as additional contingency for the project; and allocating the remaining funding, in the amount of \$2,178,417, to the General Trust Fund for purposes to be determined at a later date and to be approved by the City Commission.

Resolution #2: No. 2004-25765-A:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, appropriating settlement, in the amount of \$4.9 Million, from St. Paul Fire and Marine Insurance Company, in full and final settlement of the following cases regarding the citywide water and wastewater pump station upgrades project: 1.) Felix Equities, Inc. v. City of Miami Beach, United States Fidelity & Guaranty, and St. Paul Fire and Marine Insurance Co. Case No. 03-016109 CA 22; 2.) In Re: Linc. Net. Inc., ET AL., Case No. 02-16987 BKC RAM; and 3.) City of Miami Beach v. United States Fidelity & Guaranty, Case No. 03-19303 CA 03;

City Clerk's note: 12/17/2004:

Legal Department split the above resolution into two (2) separate resolutions:

5:49:54 p.m.

R7K A Resolution Relating To The City Attorney; Updating And Revising His Terms Of Engagement; Receiving The City Attorney's Annual Report; Finding His Performance To Be Satisfactory And Approving The Award Of Deferred Compensation Pursuant To The Internal Revenue Code, And Setting An Effective Date.

(City Attorney's Office)

ACTION: Resolution No. 2004-25766 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to handle 2004 deferred compensation, 2005 deferred compensation and annual leave accrued on a bi-weekly cycle.

Mayor Dermer stated that on behalf of the City Commission, they were very pleased with the City Attorney's performance and looked forward to a continuing relationship for another year.

10:46:24 a.m.

R7L A Resolution Approving, In Substantial Form, The Agreement Between The Greater Miami Convention And Visitor's Bureau (GMCVB) And The City Of Miami Beach, For A Five (5) Year Term, Commencing Retroactively On October 1, 2004 And Ending On September 30, 2009; Further Authorizing The City Manager's Office To Conclude Negotiations With The GMCVB As To The Remaining Points In The Agreement Attached To This Resolution; Providing That The Final Negotiated Agreement Shall Be Subject To The Final Review And Approval Of The City Manager And City Attorney's Office, And That Any Substantive Changes Shall Be Brought Back To The Mayor And City Commission; And Authorizing The Mayor And City Clerk To Execute The Final Negotiated Agreement.)

(City Manager's Office)

ACTION: Resolution No. 2004-25767 adopted. Motion made by Commissioner Bower to approve the agreement as it was before it was presented to the Finance and Citywide Project; seconded by Commissioner Smith; Voice vote: 7-0. Christina Cuervo to handle.

Mayor Dermer commended Jorge Gonzalez, City Manager, Christina Cuervo, Assistant City Manager, Bill Talbert, President and CEO, Greater Miami Convention and Visitors Bureau, (GMCVB) the entire Bureau's staff, and Don Peebles, Chairman, for working it out and coming up with a very good contract by balancing the needs and the concerns of the City as well as the marketing of this destination. He commended Jorge Gonzalez, City Manager, for a job well done.

Jorge Gonzalez, City Manager, gave an overview of the agreement highlighting pages 325 and 326 of the Commission Agenda.

Mayor Dermer recognized Don Peebles, Chairman of the GMCVB and congratulated him on the good job he did by accomplishing this contract.

Jorge Gonzalez, City Manager, clarified that the Bureau has not agreed on the issue of the incentive, and if the City Commission wants to pursue the issue of the incentive, he recommends that it is done as follows; 1) establish performance measures, and 2) tie them to the CPI index.

Don Peebles, Chairman, GMCVB, spoke.

Bill Talbert, President and CEO, GMCVB, stated that as per the study the Convention Center needs a multi-purpose ballroom.

Commissioner Gross stated that there is a finding in the study that does not agree with the figures quoted by the Bureau, and that is the percentage of visitor that come by car, and the percentage that come by air. The Bureau has always posted that 96% of the people come by air and the study indicates that 50 % of the domestic market arrives by car.

Bill Talbert, President and CEO, GMCVB, stated they do not agree with these figures and that 96% of visitors come by air.

Jorge Gonzalez, City Manager, asked the Bureau to justify the 96% and explain what it is based on.

Bill Talbert, President and CEO, GMCVB, stated that the 96% is based on data done by the Strategic Research plan.

Commissioner Gross stated that there are a few Strategic Plan Recommendations that involve research which answers pertinent questions we need to answer to make the use of the marketing dollars more effective. He added that it is Important, at the beginning of a five year contract, to agree on which tasks in the Strategic Plan will be done and the time frame. He explained that when the bench marks are negotiated, it is very important to look at the Strategic Plan and agree which of the items will be implemented and when. He stated that he is a strong advocate for the City of Miami Beach to do some of its own Public Relations, and asked when the City is awarding a Public Relations contract.

Jorge Gonzalez, City Manager, stated that the local PR firm went through the bid process and the Evaluation Committee recommended that the City needs to become clear as to what the City is looking for. Due to this recommendation, the committee was expanded into an Ad-Hoc Committee to determine exactly what the City of Miami Beach wants and needs. About one month ago, when he met with the Committee, their general feeling was that rather than hiring an outside firm, the City should invest on an internal communications person. He explained that he is now waiting for the Committee's final recommendation.

Commissioner Steinberg stated that he would like to see the incentives and will personally hold the Bureau to the challenge of, "if we don't perform then you can fire us," and if the Bureau is not within the benchmarks, he will bring the issue to the City Commission to consider it. He also stated in reference to Commissioner Bower's item on the scholarship, that the issue be discussed at the next Neighborhood/Community Affairs Committee meeting. Vivian Guzman to place on the Committee Agenda. **Max Sklar to handle.**

Jorge Gonzalez, City Manager, recognized Christina Cuervo, Assistant City Manager, Max Sklar, Acting Tourism and Cultural Arts Director, Patricia Walker, Chief Financial Officer, and he thanked Don Peebles and Bill Talbert for their effort.

Handout or Reference Materials:

1. Letter to the Mayor and City Commissioners from David Kelsey, President of the South Beach Hotel and Restaurant Association, dated December 6, 204 in re: Request for Economic Impact Study of Hotel/Condo Conversion Trend, And Request For Rejection (Or Postponement) Of Any New Contract With The GMCVB.
2. Letter to William D. Talbert, III, from Economics Research Association (ERA) dated December 7, 2004, Re: Update of CVB Funding Comparison.
3. GMCVB Private \$\$\$\$ Improvement, 2003 IACVB Report vs. 2001 IACVB Report.

12:34:38 p.m.

R7M A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 48-03/04 For The Collection And Disposal Of Residential Solid Waste, Yard Trash, And Bulk Waste, And Operation Of The City's Green Waste Facility (The RFP); Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Waste Management, Inc. Of Florida; Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of World Waste; Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate With The Third Ranked Firm Of BFI; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations With One Of The Aforestated Firms, Said Agreement Based Upon The Minimum Terms And Conditions As Set Forth In The RFP And The Successful Firm's Proposal In Response Thereto; In The Event That Negotiations Cannot Be Concluded By December 13, 2004, Authorizing The Waiver By 5/7ths Vote, Of The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager Or His Designee To Negotiate A Short Term Agreement For The Purpose Of Ensuring That There Is No Interruption In Service Relative To The Collection And Disposal Of Residential Solid Waste, Yard Trash, And Bulk Waste, Until Such Time That The Administration Is Able To Conclude Negotiations With One Of The Aforestated Firms And A Contract Is Executed.

(Public Works)

ACTION: Resolution No. 2004-25768 adopted as amended. Motion made by Commissioner Garcia to approve the City Manager's recommendation without the stash site, refer to the Neighborhood/Community Affairs the drafting of an ordinance dealing with garbage collection on major arteries in the City during peak hours; to approve without the service add alternate, and not to include the month-to-month bid waive by 5/7; seconded by Commissioner Gross; Voice vote: 4-2; Opposed: Commissioner Bowers and Steinberg; Absent: Vice-Mayor Cruz. Vivian Guzman to place on the committee agenda. Fred Beckmann to handle. The second motion, made by Commissioner Gross, to approve by 5/7th vote the bid waive for month-to-month service if negotiations cannot be finalized and capped at the current rate \$34.09 per month; seconded by Commissioner Smith; Voice-vote: 6-0; Absent: Vice-Mayor Cruz. **Fred Beckmann to handle.**

Robert Middaugh, Assistant City Manager, spoke.

Fred Beckmann, Public Works Director, explained the terms and scopes of services for the new contract and the improvements.

Robert Middaugh, Assistant City Manager, explained an alternate scope which would provide a regularly scheduled monthly bulky waste pick up by appointment in an attempt to prevent illegal dumping.

Motion made by Commissioner Steinberg to approve the item with an amendment to include as an add alternate the option to have the Administration negotiate a price, to give the City the ability to reinstitute the stash site as not being just for green waste; seconded by Commissioner Bower. He additionally requested a referral to the Neighborhood/Community Affairs to draft an ordinance dealing with garbage collection on major arteries in the City during peak hours. Commissioner Bower accepted the referral. See vote below.

Discussion continued.

Mike Adams, from World Waste, spoke.

Mike Thompson spoke.

Jorge Gonzalez, City Manager, requested clarification on the alternate monthly bulky waste that is recommended.

Commissioner Steinberg clarified that the motion was without the add alternate for monthly bulky pick up.

Ballot vote: 3-3; Opposed: Commissioners Bower, Garcia and Gross; Absent: Commissioner Cruz. Motion failed.

Commissioner Bower requested that once the price negotiations are completed to inform the City Commission. **Fred Beckmann to handle.**

Motion made by Commissioner Garcia to approve the same motion made by Commissioner Steinberg without the stash site and not including the 5/7th bid waiver; seconded by Commissioner Gross; Ballot vote: 4-2; Opposed: Commissioners Bower and Steinberg; Absent: Vice-Mayor Cruz. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, requested authorization to contract with Waste Management on a month-to-month basis, if contract price negotiations are not concluded by December 13, 2004.

Discussion continued.

Motion made by Commissioner Gross; seconded by Commissioner Smith to direct the Administration to contract on a month-to-month basis if negotiations are not concluded by December 13th; Voice vote: 4-2; Opposed: Commissioners Bower and Steinberg; Absent: Vice-Mayor Cruz. Because this is a bid waiver requiring a 5/7th vote, the motion failed.

Commissioner Bower stated that she would vote on the month-to-month basis if the price remains at the current rate of \$34.09 per month until the contract is negotiated; otherwise, there is no incentive for the vendor to negotiate.

Harold Rosen, on behalf of Waste Management, agreed to the \$34.09 rate per month, on a month-to-month basis until negotiations are finalized.

Motion made by Commissioner Steinberg to reconsider.

Mayor Dermer stated that hearing no objection, the reconsideration is done.

Motion made by Commissioner Gross to approve the month-to-month capped at the current rate if negotiations are not concluded by December 13th; seconded by Commissioner Smith; Voice-vote: 6-0; Absent: Vice-Mayor Cruz. **Fred Beckmann to handle.**

Handout or Reference Materials:

1. Letter to Stuart A. Rosenfeldt, Esq., from Jorge Gonzalez, City Manager, dated December 7, 2004, Re: Protest letter Re: Request For Proposals (RFP) No. 48-03/04 - The Collection And Disposal Or Residential Solid Waste, Yard Trash, And Bulk Waste, And Operation Of The City's Green Waste Facility (the "RFP).
2. Statement from Mike Thompson entitled "Choosing a trash hauler."
3. Ballots (1 & 2)

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:**Barrier Free Environment Committee:**

Rabbi Solomon Schiff Term expires 12/31/06 Appointed by Mayor Dermer TL 12/07

Committee on the Homeless:

Raul Gorfinkel Term expires 12/31/06 Appointed by Commissioner Smith TL 12/10

Convention Center Advisory Board:

Randy Heimler Term expires 12/31/05 Appointed by Mayor Dermer TL 12/12

Carole Taran Term expires 12/32/06 Appointed by Commissioner Smith TL 12/08

Miami Beach Commission on the Status of Women:

Ida Percal Term expires 12/31/06 Appointed by Commissioner Garcia TL12/08

Parks and Recreational Facilities Board:

Todd Narson Term expires 12/31/06 Appointed by Mayor David Dermer TL12/12

Production Industry Council:

Nikos Prantzios Term expires 12/31/06 Appointed by Mayor Dermer TL 12/09

Safety Committee:

Sylvia Rotbart Term expires 12/31/06 Appointed by Commissioner Smith TL 12/08

4:08:41 p.m.

R9B(1)Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

Michael Durell, 511 Lincoln Road (Al's Clothing), presented the City Commission with a petition asking the City of Miami Beach to remove the flea market known as the Antique and Collectible Mart from the Sunday seasonal schedule that it now occupies. He stated that the market has become an ongoing problem for the merchants, and it represents an economic deficit to the merchants and has created an eyesore in Lincoln Road. He filed the petition and photographs with the City Clerk.

Handout or Reference Material:

1. Four-page petition titled "The Removal of the 'Flea Market' Known as the Antique and Collectable Mart from the Lincoln Road Area.
2. Twenty-one (21) color photographs of the Flea Market

Joe Fontana stated that the individuals in charge of the Christmas decorations have forgotten Collins Avenue between 41st and 63rd Streets, and added that the biggest tax payers live there. He requested the City Commission to instruct the City Administration to have some decorations for Collins Avenue within the next week.

Mayor Dermer stated this discussion comes up every year and asked the City Manager to respond.

Jorge Gonzalez, City Manager, stated that the City has been struggling with the entities that control those streets for lit decorations, not only on Collins Avenue but also on 41st Street. He explained that the Building Electrical Code prohibits the lights on county roads. Miami-Dade County told the City, last year and also this year, that there could not be lights on Collins Avenue and on 41st Street. This is based on the South Florida Building Code.

Commissioner Bower stated that there are lights on other streets, and the South Florida Building Code applies to everybody. She asked if the Administration has asked other municipalities how they can have the lights and Miami Beach cannot. She stated that the Code should be enforced equally. **Fred Beckmann to handle.**

Jorge Gonzalez, City Manager, stated that the City has identified controlled locations where lights are allowed. He explained that staff met with the Beautification Committee and an LTC was sent on this subject, and added that City buildings will have decorations.

Bunny Patchen is concerned about the Alton Road project between North Bay Road, 34th Street, Chase Avenue south to Michigan Avenue and the extended curves on the side entrances to the side streets. She stated that this has become a problem with vehicles executing a right hand turn from the side streets onto Alton Road and hitting the curb. She is concerned that someone is going to get hurt. See action on Agenda Item R9J.

6:23:20 p.m.

R9B(2)Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION:

Mike Burke stated that the Angler Hotel has been vacant for several years and presently is being used as an unofficial homeless shelter and as a staging area for construction on Washington Avenue. Recently there have been two violent acts committed in the area; one of which resulted on a death, and the other resulted with an individual on a vegetative state. He is suggesting that the City enforces the laws having to do with demolition by neglect of the Angler Hotel. He stated that the property is not supposed to be used as a construction yard. He is formerly requesting to find out if there is a permit for construction on the site of the Angler Hotel, and if not, everything there should be removed.

Mayor Dermer stated that he has spoken to the City Manager and the City Manager will provide a full report to the City Commission on the Angler Hotel.

Jorge Gonzalez, City Manager, stated that he asked the Building Department to take a look at the condition of the building of the Angler Hotel to prevent a demolition by neglect situation, and also Code Compliance Department will be inspecting it. **Phil Azan and Vivian Guzman to handle.**

Handout or Reference Materials:

1. Five color photographs of the Angler Hotel and surrounding areas.

5:50:46 p.m.

R9C Nightlife Industry Task Force - Extension Of Hours For Friday, December 31, 2004 - New Year's Eve 2004.

(Economic Development)

ACTION: Discussion held. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-1; Opposed: Commissioner Smith, to extend the hours of operation for those clubs with existing City Occupational Licenses that have a 5:00 a.m. liquor license to extend their hours of operation to 7:00 a.m. on Saturday, January 1, 2005 and to be allowed to serve alcohol. Any club which will remain open must notify the Police Department and Code Compliance by letter, by Thursday, December 23, 2004, and must provide additional security or off-duty police officers if the Police Department deems appropriate and must comply with the following additional criteria:

1. No pending violations
2. Do not owe the City money
3. No outdoor entertainment or open-air entertainment
4. No permission granted to violate the noise ordinance

If there are any problems during the weekend, this action may be rescinded by the City Manager.

Christina Cuervo, Assistant City Manager, stated that there is one more criteria to be added and that is that the extension of hours will not be allowed to establishments where entertainment is a non-conforming use.

Commissioner Steinberg asked if a notification has been given to those non-conforming establishments.

Motion made by Commissioner Bower to extend the hours to every one equally for one night (New Year's Eve) and next year this issue of non-conforming use can be addressed; seconded by Commissioner Garcia; Voice vote: 6-1; Opposed: Commissioner Smith.

Commissioner Steinberg amended the motion to instruct the Administration not to enforce the 5:00 a.m. closing requirements.

Frank Del Vecchio spoke.

David Kelsey spoke.

Handout or Reference Material

1. Letter to Christina Cuervo, Assistant City Manager, from David Kelsey, President of the South Beach Hotel and Restaurant Association, dated November 15, 2004 – Re: Request for extended alcohol serving hours for New Year's Eve. Requires approval at December 8th City Commission meeting.
2. Email from Frank DelVecchio to City Clerk's External Mail dated December 7, 2004 RE: Request to Speak on Agenda Item R9C.

R9D Discussion Regarding The City's Youth Centers Hours Of Operation.
(Requested by Commissioner Matti Herrera Bower)

ACTION: See action R9I.

4:30:46 p.m.

R9E Discussion Regarding The Boardwalk Safety.
(Requested by Commissioner Jose Smith)

ACTION: Discussion held.

Commissioner Smith explained that over the last year there has been an increase in incidents affecting the safety of the Boardwalk, from criminal activity, lack of sanitation and general maintenance, to the use of bicycles and motorized equipment affecting the safety of elderly and children, and lastly the lack of police presence and an ineffective private security company.

Peter Richman, resident of Middle Beach, introduced members of the "Save Our Boardwalk Committee." He explained that there are people at the Boardwalk drinking; using and selling drugs from 31st Street through 35th Street as far as 41st Street, and bikers are alerting the users when the police are nearby.

Jorge Gonzalez, City Manager, stated that the security contract was transferred from Property Management to the Police Department and the contract has been rebid.

Commissioner Smith addressed the issue of individuals hiding knives on the rafters and also lights being out on the Boardwalk. He suggested consistent patrolling and perhaps undercover or some other type of surveillance. **Chief De Lucca and Fred Beckmann to handle.**

Captain Linda Veski gave an overview of police activities in this area and stated that she will follow up on the suggestion of adding undercover agents.

Commissioner Smith asked if the all of the call boxes on the Boardwalk are operating properly.

Chief De Lucca stated that he doesn't believe the call boxes are operating and will verify. He added that a big component to augment the Police is the security company. In addition, he explained that to enhance security, a 24-hour video surveillance camera will be installed to monitor the beach walk area and can be monitored from a desk location. **Chief De Lucca and Gladys Acosta to handle.**

Jorge Gonzalez, City Manager, stated that the issue of the bicycles and skateboards on the Boardwalk should be referred to a committee, and also the hours of operations should be established.

Commissioner Smith suggested adding an additional lane for bicycles and roller skaters on the beach walk not on the boardwalk.

Commissioner Garcia stated that the Boardwalk has become a homeless encampment, which can be remedied by closing the park at a certain hour and adding police enforcement.

Peter Richman stated that the Homeless Outreach needs to go to the Boardwalk to offer help to the homeless, since some don't know the program exists. Mr. Richman extended an invitation for everyone to come out to the Boardwalk. **Maria Ruiz to handle.**

Handout or Reference Materials:

1. Petition submitted by H. Peter Richman, Esq., for a regular, recurring, aggressive and significant police presence on the boardwalk, to fire the current security company and bring a more effective one on board, and to step up enforcement on bicyclists and pet walkers.

New Item

Mayor Dermer informed the audience that on the east side of Alton Road there will be bike lanes going from Dade Boulevard to Chase Avenue for biking enthusiasts.

R9F Discussion Regarding Illegal Waste Dumping.
(Requested by Commissioner Richard L. Steinberg)

ACTION: See action R7M.

5:40:31 p.m.

R9G Discussion Regarding The Term Limits Of The Current Miami Beach Visitor And Convention Authority (VCA) Board.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Harold Rosen spoke.

Mayor Dermer stated that equity has to be maintained across the different boards and Committees and the term limit cannot be changed for this board.

Grisette Roque Marcos, Executive Director, Miami Beach VCA, spoke.

Mayor Dermer stated that he would be open to suggestions as to replacement of members.

7:45:17 p.m.

R9H Discussion Regarding Minimizing The Construction Impacts Of The 63rd Street Flyover.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. **Resolution No. 2004-25769 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer. Fred Beckmann to transmit the resolution to the MPO and FDOT.

Mayor Dermer is also authorized on behalf of the Commission, to express the sentiments to Governor Bush.

5:08:04 p.m.

R9I Discussion Regarding North Shore Park And Youth Center Advisory Board.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Discussion held. Referred to the Neighborhood/Community Affairs Committee for a presentation of all the pertinent information regarding Parks programming and utilization. Vivian Guzman to place on the agenda. **Kevin Smith to handle.**

This item was introduced by Commission Bower.

Joe Fontana made a presentation.

Ted Berman spoke.

Vice-Mayor Cruz asked the Administration what it is that the Administration wants and how is the facility being programmed.

Jorge Gonzalez, City Manager, stated that the recommendations made by the Administration at the last City Commission meeting was to establish a new function for the Parks and Recreational Facilities Board to advise the City Commission of the programming and activities that the Parks Department should be implementing in the Parks and in the Youth Center. In addition, at each of the major facilities; Flamingo Park, Scott Rakow Youth Center, and North Shore Youth Center and Park, there will be informal user groups that will advise the facility manager on the user's needs, hours, days and the best programs, etc. The Scott Rakow Youth Center Board would change into an informal body and the citywide priorities would be established by the Parks and Recreation Board. If the City Commission doesn't like this idea then he suggested the creation of a formal advisory board for the Youth Center with the same roles, responsibilities, and requirements for membership as the Scott Rakow Youth Center Board. He added that he believes the first option is better but both are available. The Administration has parks professionals doing the programming for all of the facilities in a coordinated manner.

Commissioner Garcia stated that some of the youth are deprived from participating because they cannot afford the fees.

Jorge Gonzalez, City Manager, stated that there are fees at all the facilities, but there are also scholarships.

Kevin Smith, Parks and Recreation Director, stated that there is a scholarship process and any child who is eligible can take advantage of program.

Commissioner Bower stated that the scholarship program forms need to be advertised, easily accessible, and easy to complete. The scholarship program is hidden. She asked the Parks Department to be friendlier and open its arms to all children.

Jorge Gonzalez, City Manager, that it is a good suggestion to make the scholarship program more visible.

Commissioner Garcia stated that to charge fee is almost double taxation. The basketball courts for example should be open to all free of charge.

Jorge Gonzalez, City Manager, stated that the philosophy of the City, unless directed to change, is a fee for services basis. Every facility which is staffed has user's fees. Regarding the scholarship

program, the form is not as accessible as it should be; however, if the individual meets the criteria there is no application fee and this is done via a sliding scale. There is an activity fee for field trips and also for fee for materials such as a ceramics project.

Commissioner Smith requested from Kevin Smith the data on the number of users at the North Shore Park and Youth Center. He believes the facility is not being used.

Kevin Smith, Parks and Recreation Director, stated that there were 269 kids participating in the Summer Program, five days a week. The facility has only been opened six months. There is an average of 500 people a day in the building. The facility is open on Saturdays and the gym is open on Sundays. There is also a partnership with organizations such as Unidad and Ayuda. The After School Program is 89% fee waiver.

Commissioner Bower stated that the City Manager is extremely sensitive to having access to the facilities for all. She wants this to be initiated by the departments. She wants to change the mentality that the park belongs to all of the kids. She stated that the Center should be open on Sundays because some kids cannot attend on Saturdays due to religious issues.

Jorge Gonzalez, City Manager, stated that the City is doing user's survey to determine the user's needs.

Vice-Mayor Cruz referred this issue to the Neighborhood/Community Affairs Committee and requested the Administration to make a presentation as to what it is they want to accomplish.

Ted Berman spoke.

Joe Fontana spoke.

Commissioner Garcia state the parks are open during the daytime hours when the kids are in school. The bulk of the administrators are working during the day. Perhaps the work force should be working from 3 p.m. to 11 p.m.

Jorge Gonzalez, City Manager, stated that they will bring to the Committee all the pertinent information regarding programming and utilization of the Parks. Vivian Guzman to place on the committee agenda. **Kevin Smith to handle.**

Joe Fontana stated that the Oversight Committee just wants to be involved by working with the Parks and Recreation Department in helping with the programming and marketing to use the facility the way it should be used.

Jorge Gonzalez, City Manager, stated that he wants to explain to the Committee, clearly what the programming is, what the usage is and what the hours are at all the City facilities. He wants to make sure that everything is explained clearly and to stop all the misinformation.

Commissioner Steinberg explained that what is being referred to the Neighborhood/Community Affairs Committee is the programming and not the issue of the Committee.

Handout or Reference Material

1. Letter from Mike Thompson dated November 1, 2004, to all Commission members, City Manager, and Parks Director.

6:28:29 p.m.

R9J Discussion Regarding Potential Safety Hazard Of The "Traffic Calming Bump-Outs" Being Constructed On Alton Road.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia stated that he has received calls in reference to the bump-outs on Alton Road and even though it seemed like a great idea, they have created an unsafe situation. He stated that he has been told that this is a Florida Department of Transportation (FDOT) project and something should be done about it before the City gets sued. He stated that the bump-outs are black with tire marks.

Mayor Dermer stated that his office has received about fifteen calls on this issue also. He stated that a lot of neighborhoods ask for traffic calming devices, but they do not really know what the device does until they see it. He stated that with all the traffic calming devices that are coming up, the residents need to know what they are getting into and they may even opt out of them.

Jorge Gonzalez, City Manager, stated that the Administration will discuss the situation with The Florida Department Of Transportation (FDOT) and invited Commissioner Garcia to participate. He explained that the residents of this corridor fought long and hard both on North and the South end for traffic calming devices of all types. **Fred Beckmann to handle.**

9:57:21 a.m.**R9K – Emergency Addendum:**

Gerald K. Schwartz, Chairman of the Miami Beach Transportation Management Agency (MBTMA), stated that the expenditure to purchase six low emission buses using federal funds should be authorized today, and asked that this be added to the Commission Agenda as an emergency item.

Jorge Gonzalez, City Manager, stated that there may not be a need to purchase the buses and it is not wise to buy buses now because they most likely will not be consistent with the fleet that Miami-Dade County already has.

Motion made by Commissioner Bower to add the item as an emergency item to the Agenda; seconded by Commissioner Garcia; Voice vote: 7-0.

Motion made by Commissioner Steinberg to defer; seconded by Vice-Mayor Cruz. Discussion continued.

Commissioner Bower stated that it is not the Administration alone who has been pushing this issue but the City Commission as a whole.

Harold Rosen, representing the bid protestor, spoke.

Commissioner Steinberg indicated that the City Manager stated that this issue will be referred to the Transportation and Parking Committee and the Finance and Citywide Projects Committee. He requested that the MBTMA have an opportunity to weigh in on the contract being proposed.

Commissioner Garcia recommended that Commissioner Bower be part of the negotiations.

Commissioner Gross amended the motion to reaffirm the City Commission's prior instructions to the Administration to continue to negotiate with Miami-Dade County.

Commissioner Smith stated that the City needs to give the County a deadline date.

Motion made by Commissioner Steinberg to defer; seconded by Vice-Mayor Cruz with the amendment offered by Commissioner Gross to continue negotiations with the County. Voice vote; 7-0. **Fred Beckmann to handle.**

Gus Lopez, Procurement Director, informed the City Commission that the bid protest has been resolved.

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On December 8, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

City Of Miami Beach V. Miami-Dade County, Micky Biss And USA Express, Inc. Third District Court Of Appeal, Case No. 3D04-1589, Lower Case No. 03-682 AP

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 04-18560 CA 11

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Debora J. Turner And Gary Held.

ACTION: Announced and held.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The Rehabilitation Project Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

- F Non-City Entities Represented By City Commission:

1. Minutes From The Performing Arts Center Trust (PACT) Board Meeting Of September 14, 2004.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.**New Item:**

Vice-Mayor Cruz wished the citizens and the employees a very Merry Christmas and a Happy New Year on behalf of the City Commission.

Commissioner Bower wished Commissioner Garcia a very Happy Birthday.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
December 8, 2004**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of October 2004.

ACTION: Written report submitted.

3. NEW BUSINESS

6:03:58 p.m.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Approving A Settlement Providing For The Early Termination Of The Retail Lease Agreement Between The Miami Beach Redevelopment Agency (RDA), As Landlord, And Adolfo Dominguez U.S.A., Inc., As Tenant, Dated December 8, 2004, For Suites 1, 2, 3 And 4 In The Anchor Shops, Located At 100 16th Street, Miami Beach, Florida; Approving The Aforestated Settlement Subject To And Conditioned Upon Tenant's Execution And Satisfaction Of The Terms And Conditions Set Forth In The Attached Letter Agreement, Dated December 8, 2004, Between The RDA And The Tenant; Further Authorizing The Chairman And Secretary To Execute A New Retail Lease Agreement With The Replacement Tenant, Cuts Fitness For Men, LLC, For The Above Described Retail Premises.

ACTION: Resolution No. 494-2004 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Christina Cuervo to handle.

11:51:35 a.m.

- B Status Report On Closing Documents Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP").

ACTION: Written report submitted. Motion made by Commissioner Bower to approve the actions of the City Manager and City Attorney and to proceed by the procedures outline by the City Manager; seconded by Vice-Mayor Cruz; Voice vote: 7-0. Christina Cuervo to handle.

Joel Minsker, Esq., City's Legal Counsel, spoke.

Don Peebles spoke.

Stuart. T. Kapp, Esq. spoke.

Mayor Dermer asked if there are any legal hindrances by approving this contract without the consent of Mr. Kapps's client.

Murray Dubbin, City Attorney, stated that technically there is no contract to approve; the action of the City Commission today should be to approve the actions of the City Manager and the City Attorney and authorized proceeding in the manner outlined by the City Manager.

Stuart. T. Kapp, Esq. spoke.

Commissioner Smith asked the Legal Department if the City is authorized to go forward with the terms of the Letter of Intent (LOI) without obtaining the consent of the lender to make those amendments.

Murray Dubbin, City Attorney, stated that the City is not really going forward in terms of the Letter of Intent (LOI) because the City is going forward in terms of the Letter of intent (LOI) as amended by the new facts being presented. The City Commission is not violating anything by authorizing the City Manager to proceed with the direction outlined.

Joel Minsker, Esq., City's Legal Counsel, stated that it is important that the events take place in the following sequence; 1) Mr. Peebles will pay the City in full by February 4th (\$10,000,000 plus 8% return) along with paying off the bank and everyone else, and 2) after this is done, the City is not proceeding under the Letter of Intent (LOI) because, the second amendment to the ground lease is not needed since everything will be paid up by February 4th.

Commissioner Smith stated that his question is in reference to the other lender that Mr. Peebles will be financing with if the sale of the property does not go through. He wants to know if the City is doing anything that will prejudice the other lender.

Joel Minsker, Esq., City's Legal Counsel, reviewed by saying that if Mr. Peebles pays the City off by February 4th the Letter of Intent (LOI) is not longer in effect, and also he would not need the second amendment to the ground lease because he would own it. If the City does not receive the check for the full amount first, then it would need the consent of the lender.

Stuart. T. Kapp, Esq. spoke.

Don Peebles spoke.

Motion made by Commissioner Bower to approve the actions of the City Manager and City Attorney and to proceed by the procedures outline by the City Manager; seconded by Vice-Mayor Cruz; Voice vote: 7-0. Christina Cuervo to handle.

Handout or Reference Materials:

1. Letter to Jorge Gonzalez, City Manager, from Stuart Kapp, Esq., dated December 6, 2004, Re: Agreement of Lease dated as of May 8, 1998 (the "Ground Lease") between Miami Beach Redevelopment Agency ("Owner") and RDP Royal Palm Hotel Limited Partnership (the "Tenant" or "RDP"), with Respect to the Royal Palm Hotel, Miami Beach, Florida (The "Property").

End of RDA Agenda

Meeting adjourned at 7:50:13 p.m.